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# Summary of Amendments to Off-Site Waste and Recovery Operations NESHAP





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**SUMMARY OF AMENDMENTS TO 40 CFR 63 SUBPART DD —  
NATIONAL EMISSION STANDARDS FOR  
OFF-SITE WASTE AND RECOVERY OPERATIONS**

The Off-Site Waste and Recovery Operations NESHAP (OSWRO NESHAP) under 40 CFR part 63, subpart DD is amended to:

- Clarify the EPA's intent for applying and implementing specific requirements of the OSWRO NESHAP
- Update applicable provisions of the OSWRO NESHAP to be consistent with other related NESHAP and (to the extent permissible and practicable under the Clean Air Act) with a related set of air standards for hazardous waste treatment, storage, and disposal facilities (TSDF) established under the Resource Conservation Recovery Act (RCRA) in subpart CC of 40 CFR parts 264 and 265.
- Correct unintentional omissions and editorial errors identified by the EPA for specific rule requirements in the version of the OSWRO NESHAP promulgated on July 1, 1996.
- Extend the OSWRO NESHAP compliance date for existing sources to February 1, 2000.

This section is a summary of the technical amendments to the OSWRO NESHAP. This summary is intended to be used as an aid in locating and reviewing the actual regulatory language for the amendments as promulgated in the *Federal Register*. The summary is not a comprehensive listing of all of the changes made to the rule. Additional editorial and format revisions, not specifically noted in this summary, have been made to correct grammar errors and to improve the ease of understanding and applying the standards.

**§63.680 APPLICABILITY**

**§63.680(b)(1).** A material is an "off-site material" if the material meets all three of the criteria specified in §63.680(b)(1). To clarify that a given material must meet all three criteria to be considered an "off-site material," the wording in §63.680(b)(1)(ii) and (b)(1)(iii) is revised by replacing the word "material" with the phrase "waste, used oil, or used solvent."

**§63.680(b)(2)(v).** This section is revised to clarify that a waste is not an "off-site material" when it is transferred from a chemical manufacturing plant or other facility subject to the process wastewater standards under National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (see 40 CFR 63.132 through 63.147), and the

owner or operator of the facility from which the waste is transferred complies with the provisions in §63.132(g).

**§63.680(b)(2)(vi).** This section is revised to clarify that a waste is not an "off-site material" when it is transferred from a chemical manufacturing plant, petroleum refinery, or coke by-product recovery plant subject the National Emission Standards for Benzene Waste Operations (40 CFR 61 subpart FF), and the owner or operator of the facility from which the waste is transferred complies with the provisions of §61.342(f).

**§63.680(b)(2)(viii).** This new section adds another waste category to the list of wastes not considered off-site material under the OSWRO NESHAP. This category of waste is RCRA hazardous waste stored for 10 days or less at a transfer facility in compliance with the provisions for hazardous waste transporters in 40 CFR part 263.

**§63.680(c)(1).** The designation of "off-site material management units" is revised to clarify that a given tank or container cannot be subject to both the air emission control standards for off-site material management units (as applicable to the particular type of unit) and the standards for process vents. Language is added to clarify that if a tank or container is equipped with a vent that serves as a process vent for one of the six treatment processes specified in the rule, then the unit is not part of the "off-site material management unit" affected source. Instead, the unit (i.e., the process vent on this unit) is subject to the standards for process vents in §63.683(c). The standards for off-site material management units in §63.683(b) do not apply to the unit.

**§63.680(c)(2).** The affected source designation for "process vents" is revised to explicitly state the six types of treatment processes which can be "process vent" affected sources under the OSWRO NESHAP. These processes are distillation processes, fractionation processes, thin-film evaporation processes, solvent extraction processes, steam stripping processes, and air stripping. The revised section includes detailed definitions of each of the six treatment process types. These definitions are consistent with the definitions used for the RCRA air standards for process vents in subpart AA under 40 CFR parts 264 and 265.

**§63.680(c)(3).** The criteria designating which equipment components are subject to the equipment leak standards under the OSWRO NESHAP are moved from §63.683(b)(3) to §63.680(c)(3). This is a format and editorial revision to facilitate ease of understanding and implementing the rule, and does not change the criteria used to designate which equipment components are subject to the leak standards under the rule.

**§63.680(e)(1).** This section is revised to extend the compliance date for owners and operators of existing sources to February 1, 2000.

## §63.681 DEFINITIONS

Definition revisions and additions are made in support of other amendments to the OSWRO NESHAP and to clarify the intent of certain standards under the rule. The definitions revised or added are as follows:

**"Control device."** The term is revised to clarify that a control device means equipment used for recovering, removing, oxidizing, or destroying organic vapors.

**"Cover."** The term is revised to clarify that a cover must provide a continuous barrier over the off-site material, and that each cover opening (e.g., access hatches, sampling ports) must be in the closed position when the opening is not in use.

**"Flow indicator."** This new term is added in conjunction with the amendments to the closed-vent system standards in §63.693(c)(2)(i). The term means a device that indicates whether gas is flowing, or whether the valve position would allow gas to flow in a bypass line.

**"Hazardous air pollutants" or "HAP."** The term is revised to mean, for the purpose of implementing the OSWRO NESHAP, the specific organic chemical compounds, isomers, and mixtures listed in Table 1 of the rule.

**"Off-Site material service."** This new term is added in conjunction with the revisions made to §63.680(c)(3) designating the equipment leak affected sources. The term means any time when a pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, or instrumentation system contains or contacts off-site material.

**"Point-of-Treatment."** The term is revised to mean the point after the treated material exits the treatment process but before the first point downstream of the process where the organic constituents in the treated material have the potential to volatilize and be released to the atmosphere. For applying this definition to the rule, the first point downstream of the treatment process exit is not a fugitive emission point due to an equipment leak from any of the following equipment components: pumps, compressors, valves, connectors, instrumentation systems, or safety devices.

**"Process vent."** The term is revised to be consistent with revisions made to §63.680(c)(2) designating the "process vent" affected sources. Also, wording is added to clarify that for the purpose of implementing the OSWRO NESHAP, a process vent is neither a vent used as a safety device (see next definition) nor an open-ended line or other vent that is subject to the rule's equipment leak control requirements in §63.691.

**"Safety device."** The term is revised to mean a closure device (e.g., a pressure relief valve, frangible disc, fusible plug) which functions to prevent physical damage or permanent deformation to equipment by venting gases or vapors from

the equipment during unsafe conditions resulting from an unplanned, accidental, or emergency event. These changes clarify that a safety device may be used on not only the air pollution control equipment operated to comply with the rule but also on the controlled source's process and ancillary equipment. A second revision is made to clarify that the EPA did not intend to preclude the use of a safety device that vents to additional safety equipment.

**"Volatile organic hazardous air pollutant concentration" or "VOHAP concentration."** The term is revised to clarify that the VOHAP concentration of an off-site material by definition is measured using Method 305 in 40 CFR part 63, appendix A. However, as an alternative to using Method 305, an owner or operator may determine the HAP concentration of an off-site material using any one of the alternative test methods specified in §63.694(b)(2)(ii). When one of these alternative test methods is used to determine the speciated HAP concentration of an off-site material, the individual compound concentration may be adjusted by the corresponding  $f_{m305}$  value, listed in Table 1 of subpart DD, to determine an equivalent VOHAP concentration.

**"Used solvent."** The term is revised to mean a mixture of aliphatic hydrocarbons or a mixture of one and two ring aromatic hydrocarbons used as a solvent which because of such use is contaminated by physical or chemical impurities. This wording revision is made to clarify that only solvents considered under the rule to be an "off-site material" are those spent or otherwise contaminated solvents resulting from use by a consumer (e.g., solvents used for cleaning, degreasing, paint stripping, etc.) and subsequently returned to a facility for recycling or reprocessing.

#### **§63.683 STANDARDS: GENERAL**

**§63.683(b)(2)(iii).** This exemption for a tank or surface impoundment used for a biological treatment process is revised to eliminate a redundant qualification condition. The section is revised by deleting the requirement to demonstrate that the process achieves a HAP reduction efficiency greater than or equal to 95 percent.

**§63.683(b)(2)(iv).** The exemption for an off-site material management unit in which RCRA hazardous waste is managed in compliance with the RCRA Land Disposal Restrictions (40 CFR part 268) is revised to clarify application of the exemption to those situations when the off-site material is a type of hazardous waste not prohibited from land disposal or is composed of a mixture of different hazardous wastes. The amended language is consistent with the rule language used for this exemption under the RCRA air rules in subpart CC of 40 CFR parts 264 and 265.

**§63.683(c)(2)(i).** This new section exempts a process vent from the air emission control requirements of the OSWRO NESHAP if the owner or operator is controlling the HAP emissions from the vent in compliance with the air emission control requirements under another subpart in 40 CFR part 61 or 40 CFR part 63.

This exemption is added to be consistent with the same exemption already provided in the rule for off-site material management units (see §63.683(b)(2)(i)).

**§63.683(c)(2)(ii).** This new section exempts a process vent from the air emission control requirements of the OSWRO NESHAP if the owner or operator determines that the process vent stream flow rate is less than 0.005 standard cubic meters per minute. The EPA concluded that the potential for HAP emission reduction is small and the application of conventional air emission control devices is not practical for these very low flow process vent streams.

**§63.683(c)(2)(iii).** This new section exempts a process vent from the air emission control requirements of the OSWRO NESHAP if the owner or operator determines that the affected process vent stream has a flow rate less than 6.0 standard cubic meters per minute and a total HAP concentration in the vent stream less than 20 parts per million by volume (ppmv). Both the process vent flow rate and the organic HAP concentration conditions must be met to qualify for the exemption. The EPA concluded that there is insufficient HAP emission reduction to justify the substantial compliance costs to the facility owner and operator whose process vent streams have both a flow rate below 6.0 standard cubic meters per minute and a total organic HAP concentration less than 20 ppmv.

#### **§63.684 STANDARDS: OFF-SITE MATERIAL TREATMENT**

**§63.684(b)(1)(ii).** This treatment alternative is revised to clarify that the alternative is to be used for situations when the off-site material entering a treatment process is composed of a mixture of off-site material streams having an average VOHAP concentration greater than 500 parts per million by weight (ppmw) and off-site material streams having an average VOHAP concentration less than 500 ppmw.

**§63.684(b)(3).** This treatment alternative is amended to clarify that the alternative is not applicable to a biological degradation process conducted in open tanks or surface impoundments (for open biodegradation processes an owner or operator may comply with §63.684(b)(4)). Also, a correction is made to the value of the HAP removal efficiency performance level required in circumstances where the off-site material stream entering the treatment process has an average VOHAP concentration equal to or greater than 10,000 ppmw at the point-of-delivery. The value for HAP removal efficiency performance level is corrected to read 99 percent. A treatment process can only meet the second condition of the standard that requires the average VOHAP concentration of the off-site material at the point-of-treatment to be less than 100 ppmw by achieving a HAP removal efficiency of at least 99 percent.

**§63.684(b)(4).** This treatment alternative is amended to clarify that the alternative applies only to a biological degradation treatment process conducted in open tanks or surface impoundments. Also, consistent with the revision made to the exemption in §63.683(b)(2)(iii), this section is revised to eliminate the redundant condition requiring determination of the overall HAP reduction efficiency for the biodegradation process.

**§63.684(e)(4).** Provisions are added to this section requiring the owner or operator to establish and implement a procedure to monitor appropriate parameters that demonstrate proper operation of a biological treatment unit according to the evaluation required in §63.694(h). Under this requirement, the owner or operator must list the operating parameters monitored and state the frequency of monitoring to ensure that the biological treatment unit is operating within the applicable operating parameter values necessary to continuously achieving the relevant performance requirement.

#### **§63.685 STANDARDS: TANKS**

**§63.685(b)(4).** The standards for a tank that manages off-site material having a maximum HAP vapor pressure that is equal to or greater than 76.6 kilopascals (kPa) are amended to provide two additional compliance alternatives of using either: (1) a pressure tank, or (2) a tank located inside an enclosure vented through a closed vent system to an enclosed combustion device. These alternatives provide a level of HAP emission control equivalent to the original control requirement (i.e., venting the tank directly to a control device), while at the same time providing greater compliance flexibility to the owners and operators.

**§63.685(c)(2)(ii).** This section adds an alternative standard for a tank required to use Tank Level 1 controls that explicitly allows the owner or operator of the tank to choose to use the more stringent Tank Level 2 controls to comply with the rule.

**§63.685(c)(2)(iii).** This section adds an alternative standard for the special circumstances when a tank is required to use Tank Level 1 controls and the tank is used as an interim transfer point to transfer off-site material from containers to another off-site material management unit. An example of such a tank is an in-ground tank into which organic-contaminated debris is dumped from roll-off boxes or dump trucks, and then this debris is promptly transferred from the tank to a macroencapsulation unit by a backhoe. This alternative allows the cover to be removed during those periods of time when the material transfer activity is occurring. At all other times, air emissions from the tank must be controlled in accordance with the provisions specified in 40 CFR part 63, Subpart OO - National Emission Standards for Tanks - Level 1. This alternative is added to be consistent with the same alternative provided under the RCRA air rules in subpart CC of 40 CFR parts 264 and 265.

**§63.685(h)(3)(ii).** For owners and operators electing to use the emission control alternative of a pressure tank to meet Tank Level 2 requirements, the requirements are amended to allow the purging of inert materials from the pressure tank. Inert material purging is a short duration maintenance procedure required by good engineering practice to ensure proper operation of this type of tank system.

**§63.685(i)(3).** For owners and operators electing to use the emission control alternative of an enclosure vented to an enclosed combustion control device to

meet Tank Level 2 requirements, the requirements are amended to add a provision allowing a safety device to open anytime conditions require it to do so to avoid an unsafe condition. This safety provision was included for all of the other tank control alternatives in the version of the rule promulgated July 1, 1996.

#### **§63.690 STANDARDS: PROCESS VENTS**

**§63.690(b).** This section is revised to clarify that for the purpose of complying with this air emission control requirements for process vents, a primary condenser associated with an affected process is considered to be part of the process and is not an air emission control device. A primary condenser is a condenser for which the predominant function is the recovery or capture of solvents or other organics for use, reuse, or sale. A secondary condenser or other organic recovery device that is operated downstream of the primary condenser is considered to be a control device for the purpose of complying with the OSWRO NESHAP.

#### **§63.693 STANDARDS: CLOSED-VENT SYSTEMS AND CONTROL DEVICES**

**§63.693(b)(4)(ii).** This section is revised to add the alternative that allows an owner or operator to inspect and monitor the closed-vent system according to the procedure specified in the National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks under 40 CFR 63 subpart H (specifically the procedure in §63.172(f) through (h)).

**§63.693(b)(8).** This section is revised to clarify the actions to be taken if the design analysis prepared by the owner or operator is determined by the Administrator to be incomplete or deficient. The revision allows the Administrator to first request that the design analysis be revised or amended by the owner or operator to correct the deficiencies identified by the Administrator. If the owner or operator and the Administrator still do not agree on the acceptability of using this revised design analysis to demonstrate that the control device achieves the applicable performance requirements, then the disagreement is to be resolved using the results of a performance test conducted by the owner or operator.

**§63.693(c)(2)(i).** This section is revised to update the requirements for those situations when a closed-vent system bypass device is installed and the owner or operator chooses to use a flow indicator to comply with the provision. The revision clarifies that this flow indicator is required only to indicate the presence of gas flow through the bypass line or duct. The device does not need to measure or quantify the flow rate (although a flow measurement device can be used to comply with this provision of the rule if an owner or operator chooses to do so). This revision is made to be consistent with other recently promulgated NESHAP.

**§ 63.693(d)(3)(i).** This section is revised to clarify that owners and operators choosing this monitoring alternative for regenerative-type carbon adsorption

systems must monitor both total regeneration stream mass flow and the carbon bed temperature.

**§ 63.693(d)(3)(ii).** This section is revised to add a requirement that the daily average concentration level of organic compounds in the exhaust stream from the control device must be monitored.

**§63.693(d)(4).** This section is revised to add the alternatives of managing spent carbon using: (1) a thermal treatment unit using organic air emission controls in compliance with the control device standards under the OSWRO NESHAP, or (2) a thermal treatment unit using organic air emission controls in compliance with the standards under another NESHAP in 40 CFR part 61 or 40 CFR part 63. These alternatives are added to be consistent with the same alternatives provided under the RCRA air rules in subpart CC of 40 CFR parts 264 and 265.

**§§63.693(e)(3)(i) and (ii).** These sections are revised to require monitoring of either the daily average exhaust gas temperature or the daily average concentration level of organic compounds in the exhaust stream.

**§63.693(f)(3).** This section is revised to add a requirement that owners and operators measure and record the daily average of the particular parameter being monitored (i.e., temperature or concentration).

**§63.693(g)(3).** This section is revised to include provisions requiring that the monitoring systems for boilers and process heaters used as control devices measure and record the daily average of the particular parameter being monitored (i.e., temperature or concentration).

**§63.693(h)(2).** This section is added to the rule to specify the procedure an owner or operator must use to demonstrate that the flare achieves the requirements in 40 CFR 63.11(b). This amendment is needed because the cross-reference to § 63.11(b) does not explain the specific flare compliance demonstration procedure that an owner or operator is to use for the OSWRO NESHAP.

**§63.693(h)(3).** This section is revised to require that the owner or operator record for each 1-hour period whether the required pilot flame monitor was continuously operating and whether a flame was present during each hour as required. This change is made to add an averaging time.

#### **§63.694 TESTING METHODS AND PROCEDURES**

**§63.694(b)(2)(ii).** This section is revised to add three more alternative methods that an owner or operator may choose to use for determining the average HAP concentration of an off-site material. The methods added are Method 625 in 40 CFR part 136, appendix A, and Method 8260 and Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846, Third Edition, September 1986, as amended by Update I,



November 15, 1992 (or any more recent, updated version of these methods approved by the EPA).

**§§63.694(b)(2)(iii), (c)(3), (e)(4), and (g)(4).** The equation for calculating the average VOHAP concentration of an off-site material is revised to correct the rule citation to §63.694 for the term " $C_i$ ." The same correction is made for the terms " $C_i$ " in the equation in §63.694(c)(3), " $y$ " and " $C_y$ " in the equation in §63.694(e)(4), and " $Q_{bj}$ " and " $C_{bi}$ " in the equation in §63.694(g)(4).

**§63.694(c)(3).** The equation for calculating the average VOHAP concentration on a mass-weighted basis is corrected to clarify the inputs to the equation. The value for  $Q_t$  is the sum of the  $Q_i$ 's used in the equation. This value represents the sum or total off-site material quantity used to characterize the off-site material over the averaging period. Each VOHAP concentration determination must have a corresponding off-site material quantity that represents the amount of material generated or received over the averaging period used to determine the VOHAP concentration value. To calculate a mass-weighted average VOHAP concentration over the averaging period, multiply each VOHAP concentration by the quantity of material it represents and then divide by the total quantity of material (i.e., the sum of the individual off-site material quantities).

**§63.694(k)(5).** The procedure for determination of no detectable emissions is amended to allow either methane or n-hexane to be used as the calibration gas for the detection instrument.

**§§63.694(k)(6) and (8).** The procedure for determination of no detectable emissions is amended to allow an owner or operator the option of choosing to adjust or not adjust the detection instrument readings to account for the background organic concentration level. Frequently at a source, the maximum organic concentration value measured by the detection instrument is well below the organic concentration value that defines "no detectable emissions." In this case, requiring an ambient background correction is an unnecessary step. If an owner or operator chooses to adjust the instrument readings for the background level, the background level value must be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

**§63.694(k)(9).** The procedure for determination of no detectable emissions is amended to add a provision for determination of no detectable emissions from a seal used around a rotating shaft that passes through a cover opening. In this case, if the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions. This addition is made for consistency with other NESHAP.

**§63.694(m).** This new section adds the testing methods and procedures that an owner or operator must follow to determine a process vent stream flow rate and total organic HAP concentration in support of an exemption under §63.683(c)(2)(ii) or (iii). The procedures and test methods are the EPA reference

methods in appendix A of 40 CFR part 60 for measuring gas stream flow rates and organic concentrations.

#### **§63.695 INSPECTION AND MONITORING REQUIREMENTS**

**§§63.695(b)(3)(ii), (c)(2)(ii), and (d)(2).** The inspection requirements for covers, closed-vent systems, and transfer systems are amended to provide an alternative inspection or monitoring interval for those units or equipment that an owner or operator determines to be unsafe to inspect on an annual interval (see §63.695(f) as follows).

**§§63.695(b)(1) and (d)(1).** A provision is added to the inspection requirements for tanks and transfer systems to clarify that in the case where a tank or transfer system is buried partially or entirely underground, inspection is required only for those portions of the equipment and those connections to the equipment (such as fill ports, access hatches, or gauge wells) that extend to or above the ground surface and can be opened to the atmosphere. This provision is consistent with the same provision provided under the RCRA air rules in subpart CC of 40 CFR parts 264 and 265.

**§63.695(e).** This new section consolidates the control device monitoring requirements and updates the requirements to be consistent with the EPA's policy for compliance assurance monitoring of sources under a NESHAP. This section establishes the technical specifications for continuous monitoring of control device operating parameters; establishes the criteria for calculating the daily average value for each monitored operating parameter; incorporates a requirement that the owner or operator establish appropriate operating parameter limits for the range of conditions at which the control device must be operated to continuously achieve the applicable performance requirements; and defines the conditions under which an excursion for a given control device is determined to have occurred based on the monitoring data results.

**§63.695(f).** This new section specifies the alternative inspection and monitoring interval requirements to be used when the owner or operator determines that performing a required inspection or monitoring procedures would expose a worker to dangerous, hazardous, or otherwise unsafe conditions. In such a case, the owner or operator is required to: (1) prepare written documentation that explains the reasons why the equipment is unsafe to inspect or monitor on an annual basis; and (2) develop and implement a written plan and schedule to inspect and monitor the air pollution control equipment using the applicable procedures specified in this section during times when a worker can safely access the air pollution control equipment. The required inspections or monitoring must be performed as frequently as practicable but do not need to be performed more frequently than the periodic schedule that would otherwise be applicable to the air pollution control equipment under the provisions of the rule.

## §63.697 REPORTING REQUIREMENTS

**§63.697(a).** The notification requirements are amended to allow owners and operators of existing sources to file an initial notification (as required in §63.9(b)) on or before 30 days after the date that the amended rule becomes effective. This second opportunity for owners and operators to submit an initial notification is provided in recognition that, as a result of these amendments, there may be some facility owners and operators who for the first time understand that their facility is subject to the OSWRO NESHAP.

**§63.697(b)(4).** This section is revised to clarify the type of information the owner or operator should include in the semiannual report regarding control device excursions. The semiannual report must include a description of all excursions, as defined in the rule, that have occurred during the 6-month reporting period. This includes excursions caused when the daily average value of a monitored operating parameter is outside the established operating parameter limit as well as excursions caused by a lack of adequate monitoring data.

### TABLE 1 TO SUBPART DD — LIST OF HAZARDOUS AIR POLLUTANTS (HAP) FOR SUBPART DD

Table 1 lists the specific organic chemical compounds, isomers, and mixtures for the determination of the VOHAP concentration. Two revisions are made to this table. First, a listing for the compound, 1,1-dimethyl hydrazine, inadvertently included in the table at promulgation, is deleted. Second, the listing for the glycol ethers chemical group is revised to require only those glycol ethers that have a Henry's Law constant value greater than or equal to  $0.1 \text{ Y/X}$  ( $1.8 \times 10^{-6} \text{ atm/gm-mole/m}^3$ ) at 25 °C to be included in the determination of the VOHAP concentration. The group of glycol ether chemicals contains a large number of compounds that have Henry's Law constant values both above and below this cutoff value. Therefore, rather than attempt to list the specific glycol ether compounds in the table and potentially omit a given glycol ether HAP, the criteria for identifying which glycol ether compounds must be included in the VOHAP determination was added to the rule.

## SUMMARY OF AMENDMENTS TO 40 CFR 63 SUBPART OO — NATIONAL EMISSION STANDARDS FOR TANKS - LEVEL 1

This section is a summary of the technical amendments to the 40 CFR 63 Subpart OO — National Emission Standards for Tanks - Level 1. This summary is intended to be used as an aid in locating and reviewing the actual regulatory language for the amendments as promulgated in the *Federal Register*. The summary is not a comprehensive listing of all of the changes made to the rule. Additional editorial and format revisions not specifically noted in this summary have been made to correct grammar errors and to improve the ease of understanding and applying the standards.

### §63.901 DEFINITIONS

**"Safety device."** The term is revised to mean a closure device (e.g., a pressure relief valve, frangible disc, fusible plug) which functions to prevent physical damage or permanent deformation to equipment by venting gases or vapors from the equipment during unsafe conditions resulting from an unplanned, accidental, or emergency event. These changes clarify that a safety device may be used on, not only the air pollution control equipment operated to comply with the rule, but also on the controlled source's process and ancillary equipment. A second revision is made to clarify that the EPA did not intend to preclude the use of a safety device that vents to additional safety equipment.

### §63.902 STANDARDS - TANK FIXED ROOF

**§63.902(a).** This section is revised to specifically state that the standards under this section do not apply to a fixed roof tank that is also equipped with an internal floating roof.

**§63.902(b).** This section is revised to specifically state that a facility owner or operator is allowed to install a closure device on a tank manifold system or header vent when a series of tanks have their vents (i.e., tank openings) connected to a common header. This amendment makes application of the fixed roof standards to a tank connected to a manifold system consistent with other NESHAP and RCRA air rules that affect similar waste management sources.

### §63.905 TESTING METHODS AND PROCEDURES

**§63.905(a)(5).** The procedure for determination of no detectable emissions is amended to allow either methane or n-hexane to be used as the calibration gas for the detection instrument.

**§§63.905(a)(6) and (8).** The procedure for determination of no detectable emissions is amended to allow an owner or operator the option of choosing to adjust or not adjust the detection instrument readings to account for the background organic concentration level. Frequently at a source, the maximum

organic concentration value measured by the detection instrument is well below the organic concentration value that defines "no detectable emissions." In this case, requiring an ambient background correction is an unnecessary step. If an owner or operator chooses to adjust the instrument readings for the background level, the background level value must be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

**§63.905(a)(9).** The procedure for determination of no detectable emissions is amended to add a provision for determination of no detectable emissions from a seal used around a rotating shaft that passes through a cover opening. In this case, if the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions. This addition is made for consistency with other NESHAP.

### **§63.906 INSPECTION AND MONITORING REQUIREMENTS**

**§63.906(a)(2).** The inspection requirements for a fixed roof are amended to provide an alternative inspection or monitoring interval for those tanks that an owner or operator determines to be unsafe to inspect on an annual interval (see §63.906(d) as follows).

**§63.906(b)(2).** This section is revised for the case when the repair of a defect is delayed beyond 45 calendar days because the repair requires the emptying of or the temporary removal of a tank from service and no alternative tank capacity is available at the site. This case would require the owner or operator to repair the defect the next time alternative tank capacity becomes available and the tank can be emptied or temporarily removed from service, as necessary to complete the repair.

**§63.906(d).** This new section specifies the alternative inspection and monitoring interval requirements to be used when the owner or operator determines that performing a required inspection of a fixed roof would expose a worker to dangerous, hazardous, or otherwise unsafe conditions. In such a case, the owner or operator is required to: (1) prepare written documentation that explains the reasons why the equipment is unsafe to inspect on an annual basis; and (2) develop and implement a written plan and schedule to inspect the fixed roof during times when a worker can safely access the air pollution control equipment. The required inspections must be performed as frequently as practicable but do not need to be performed more frequently than the one year interval that would otherwise be applicable to the fixed roof under the provisions of the rule.

## SUMMARY OF AMENDMENTS TO 40 CFR 63 SUBPART PP — NATIONAL EMISSION STANDARDS FOR CONTAINERS

This section is a summary of the technical amendments to the 40 CFR 63 Subpart PP — National Emission Standards for Containers. This summary is intended to be used as an aid in locating and reviewing the actual regulatory language for the amendments as promulgated in the *Federal Register*. The summary is not a comprehensive listing of all of the changes made to the rule. Additional editorial and format revisions not specifically noted in this summary have been made to correct grammar errors and to improve the ease of understanding and applying the standards.

### §63.921 DEFINITIONS

**"Empty container."** The definition is revised to remove redundant language regarding a container that meets the definition of an "empty container" used for implementing RCRA hazardous waste rules (see 40 CFR 261.7(b)).

**"Safety device."** The term is revised to mean a closure device (e.g., a pressure relief valve, frangible disc, fusible plug) which functions to prevent physical damage or permanent deformation to equipment by venting gases or vapors from the equipment during unsafe conditions resulting from an unplanned, accidental, or emergency event. These changes clarify that a safety device may be used on not only the air pollution control equipment operated to comply with the rule but also on the controlled source's process and ancillary equipment. A second revision is made to clarify that the EPA did not intend to preclude the use of a safety device that vents to additional safety equipment.

### §63.925 TESTING METHODS AND PROCEDURES

**§63.925(a)(5).** The procedure for determination of no detectable emissions is amended to allow either methane or n-hexane to be used as the calibration gas for the detection instrument.

**§§63.925(a)(6) and (8).** The procedure for determination of no detectable emissions is amended to allow an owner or operator the option of choosing to adjust or not adjust the detection instrument readings to account for the background organic concentration level. Frequently at a source, the maximum organic concentration value measured by the detection instrument is well below the organic concentration value that defines "no detectable emissions." In this case, requiring an ambient background correction is an unnecessary step. If an owner or operator chooses to adjust the instrument readings for the background level, the background level value must be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

**§63.925(a)(9).** The procedure for determination of no detectable emissions is amended to add a provision for determination of no detectable emissions from a seal used around a rotating shaft that passes through a cover opening. In this

case, if the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions. This addition is made for consistency with other NESHAP.

#### **§63.926 INSPECTION AND MONITORING REQUIREMENTS**

**§63.926(a)(1).** This section is revised to clarify that a visual inspection is required when the owner or operator first accepts possession of the container at the facility site if the container is not emptied (i.e., does not meet the conditions for an "empty container" as defined in the rule) within 24 hours after the container has been accepted at the facility site. For a container that is delivered to an affected facility containing a regulated material but is not emptied within the allowed 24-hour period, the container must be inspected according to the requirements of the rule by the calendar day on which the facility owner or operator accepts possession of the container. For the purpose of compliance, this date of acceptance is the date of signature by the facility owner or operator on the manifest or shipping papers accompanying the container. It is allowable to have a party other than the owner or operator of the affected facility perform the inspection prior to the acceptance date. Regardless of who performs the inspections, it is ultimately the responsibility of the owner or operator of the affected facility to ensure that the inspections have been performed.

**§63.926(a)(2).** This section is revised to clarify the conditions under which additional visual inspections must be conducted for those containers, using either Container Level 1 or Container Level 2 controls, that remain at the facility for more than 1 year. When a container, filled or partially filled with regulated-material, remains unopened at the facility site for a period of 1 year or more, the container and its cover and closure devices must be visually inspected by the owner or operator initially, and thereafter, at least once every calendar year.

**§63.926(a)(3).** This section is revised to allow the owner or operator the alternatives of either emptying the regulated-material from a defective container or repairing the defective container. If the owner or operator elects to empty the defective (i.e., meet the conditions for an "empty container" as defined in the rule), the removed material must be transferred to either: (1) a container that meets the applicable standards under subpart PP; or (2) to a tank, process, or treatment unit that meets the applicable standards under the NESHAP that references subpart PP. The defective container must be emptied no later than 5 calendar days after detection of the defect. The emptied defective container must be either repaired, destroyed, or used for purposes other than management of regulated-material. If the owner or operator elects to repair the defective container, first efforts at repair of the defect must be made no later than 24 hours after detection, and repair must be completed as soon as possible but no later than 5 calendar days after detection. If repair of a defect cannot be completed within 5 calendar days, then the regulated-material must be emptied from the container and the container must not be used to manage regulated-material until the defect is repaired.

## SUMMARY OF AMENDMENTS TO 40 CFR 63 SUBPART QQ — NATIONAL EMISSION STANDARDS FOR SURFACE IMPOUNDMENTS

This section is a summary of the technical amendments to the 40 CFR 63 Subpart QQ — National Emission Standards for Surface Impoundments. This summary is intended to be used as an aid in locating and reviewing the actual regulatory language for the amendments as promulgated in the *Federal Register*. The summary is not a comprehensive listing of all of the changes made to the rule. Additional editorial and format revisions not specifically noted in this summary have been made to correct grammar errors and to improve the ease of understanding and applying the standards.

### §63.941 DEFINITIONS

**"Cover."** The term is revised to clarify that a cover must provide a continuous barrier over the regulated-material, and that each cover opening (e.g., access hatches, sampling ports) must be in the closed position when the opening is not in use.

**"Safety device."** The term is revised to mean a closure device (e.g., a pressure relief valve, frangible disc, fusible plug) which functions to prevent physical damage or permanent deformation to equipment by venting gases or vapors from the equipment during unsafe conditions resulting from an unplanned, accidental, or emergency event. These changes clarify that a safety device may be used on not only the air pollution control equipment operated to comply with the rule but also on the controlled source's process and ancillary equipment. A second revision is made to clarify that the EPA did not intend to preclude the use of a safety device that vents to additional safety equipment.

### §63.945 TESTING METHODS AND PROCEDURES

**§63.945(a)(5).** The procedure for determination of no detectable emissions is amended to allow either methane or n-hexane to be used as the calibration gas for the detection instrument.

**§§63.945(a)(6) and (8).** The procedure for determination of no detectable emissions is amended to allow an owner or operator the option of choosing to adjust or not adjust the detection instrument readings to account for the background organic concentration level. Frequently at a source, the maximum organic concentration value measured by the detection instrument is well below the organic concentration value that defines "no detectable emissions." In this case, requiring an ambient background correction is an unnecessary step. If an owner or operator chooses to adjust the instrument readings for the background level, the background level value must be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

**§63.945(a)(9).** The procedure for determination of no detectable emissions is amended to add a provision for determination of no detectable emissions from a



seal used around a rotating shaft that passes through a cover opening. In this case, if the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions. This addition is made for consistency with other NESHAP.

#### **§63.946 INSPECTION AND MONITORING REQUIREMENTS**

**§§63.946(a)(2) and (b)(1)(ii).** The inspection requirements for a cover are amended to provide an alternative inspection or monitoring interval for those surface impoundments that an owner or operator determines to be unsafe to inspect on an annual interval (see §63.946(d) as follows).

**§63.946(d).** This new section specifies the alternative inspection and monitoring interval requirements to be used when the owner or operator determines that performing a required inspection of a cover would expose a worker to dangerous, hazardous, or otherwise unsafe conditions. In such a case, the owner or operator is required to: (1) prepare written documentation that explains the reasons why the equipment is unsafe to inspect on an annual basis; and (2) develop and implement a written plan and schedule to inspect the cover during times when a worker can safely access the air pollution control equipment. The required inspections must be performed as frequently as practicable but do not need to be performed more frequently than the one year interval that would otherwise be applicable to the cover under the provisions of the rule.

## SUMMARY OF AMENDMENTS TO 40 CFR 63 SUBPART RR — NATIONAL EMISSION STANDARDS FOR INDIVIDUAL DRAIN SYSTEMS

This section is a summary of the technical amendments to the 40 CFR 63 Subpart RR — National Emission Standards for Individual Drain Systems is presented below. This summary is intended to be used as an aid in locating and reviewing the actual regulatory language for the amendments as promulgated in the *Federal Register*. The summary is not a comprehensive listing of all of the changes made to the rule. Additional editorial and format revisions not specifically noted in this summary have been made to correct grammar errors and to improve the ease of understanding and applying the standards.

### §63.961 DEFINITIONS

**"Regulated-material."** This term is added to mean the wastewater streams, residuals, and any other materials specified by the referencing subpart to be managed in accordance with the standards under Subpart RR. The definition is needed to clarify the EPA's intent that this rule apply to waste streams and residuals in addition to wastewater. In conjunction with this change, a change is made throughout subpart RR to replace the word "wastewater" with the term "regulated-material."

## **SUMMARY OF AMENDMENTS TO 40 CFR 63 SUBPART VV — NATIONAL EMISSION STANDARDS FOR OIL-WATER SEPARATORS AND ORGANIC-WATER SEPARATORS**

This is a summary of the technical amendments to the 40 CFR 63 Subpart VV — National Emission Standards for Oil-Water Separators and Organic-Water Separators. This summary is intended to be used as an aid in locating and reviewing the actual regulatory language for the amendments as promulgated in the *Federal Register*. The summary is not a comprehensive listing of all of the changes made to the rule. Additional editorial and format revisions not specifically noted in this summary have been made to correct grammar errors and to improve the ease of understanding and applying the standards.

### **§63.1041 DEFINITIONS**

**"Safety device."** The term is revised to mean a closure device (e.g., a pressure relief valve, frangible disc, fusible plug) which functions to prevent physical damage or permanent deformation to equipment by venting gases or vapors from the equipment during unsafe conditions resulting from an unplanned, accidental, or emergency event. These changes clarify that a safety device may be used on not only the air pollution control equipment operated to comply with the rule but also on the controlled source's process and ancillary equipment. A second revision is made to clarify that the EPA did not intend to preclude the use of a safety device that vents to additional safety equipment.

### **§63.1045 STANDARDS - PRESSURIZED SEPARATOR**

This section is added to specify the requirements for owners and operators controlling air emissions from an oil-water or organic-water separator by using a pressurized separator that is operated as a closed-system. The standards require that the pressurized separator be designed not to vent to the atmosphere as a result of compression of the vapor headspace during operation of the separator at its design capacity. All separator openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in the subpart. Whenever a regulated-material is in the separator, the separator must be operated as a closed system that does not vent to the atmosphere except under emergency and maintenance conditions specified in the rule.

### **§63.1046 TESTING METHODS AND PROCEDURES**

**§63.1046(a)(5).** The procedure for determination of no detectable emissions is amended to allow either methane or n-hexane to be used as the calibration gas for the detection instrument.

**§§63.1046(a)(6) and (8).** The procedure for determination of no detectable emissions is amended to allow an owner or operator the option of choosing to adjust or not adjust the detection instrument readings to account for the background organic concentration level. Frequently at a source, the maximum organic concentration value measured by the detection instrument is well below the organic concentration value that defines "no detectable emissions." In this case, requiring an ambient background correction is an unnecessary step. If an owner or operator chooses to adjust the instrument readings for the background level, the background level value must be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

**§63.1046(a)(9).** The procedure for determination of no detectable emissions is amended to add a provision for determination of no detectable emissions from a seal used around a rotating shaft that passes through a cover opening. In this case, if the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions. This addition is made for consistency with other NESHAP.

#### **§63.1047 INSPECTION AND MONITORING REQUIREMENTS**

**§§63.1047(a)(2) and (c)(1)(ii).** The inspection requirements for a fixed roof are amended to provide an alternative inspection or monitoring interval for those separators that an owner or operator determines to be unsafe to inspect on an annual interval (see §63.1047(e) below).

**§63.1047(e).** This new section specifies the alternative inspection and monitoring interval requirements to be used when the owner or operator determines that performing a required inspection of a fixed roof would expose a worker to dangerous, hazardous, or otherwise unsafe conditions. In such a case, the owner or operator is required to: (1) prepare written documentation that explains the reasons why the equipment is unsafe to inspect on an annual basis; and (2) develop and implement a written plan and schedule to inspect the fixed roof during times when a worker can safely access the air pollution control equipment. The required inspections must be performed as frequently as practicable but do not need to be performed more frequently than the one year interval that would otherwise be applicable to the fixed roof under the provisions of the rule.